

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JENNIFER BROWN, on behalf of herself  
And all others similarly situated,

Case No.: 2:18-cv-896-LDW-SIL

Plaintiff,

v.

MRS BPO, LLC,

Defendant.

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**DEFENDANT MRS BPO, LLC'S ANSWER AND AFFIRMATIVE DEFENSES  
TO PLAINTIFF'S SUMMONS WITH NOTICE**

Defendant MRS BPO, LLC ("MRS"), as and for its Answer to the Summons with Notice of Plaintiff Jennifer Brown ("Plaintiff"), states as follows:

MRS denies the allegations in Plaintiff's Summons with Notice, and denies that Plaintiff is entitled to damages. Specifically, MRS denies that it violated the Fair Debt Collection Practices Act ("FCPA"), 15 U.S.C. § 1692 *et seq.* and further denies any and all damages, liability, and/or violations to the extent alleged therein.

**AFFIRMATIVE DEFENSES**

MRS reserves its right to assert additional affirmative defenses as may be applicable upon the filing of a Complaint by Plaintiff.

**FIRST AFFIRMATIVE DEFENSE**

The Summons with Notice fails to state a claim against MRS upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Pursuant to 15 U.S.C. § 1692k(c), to the extent a violation(s) is established and in the event MRS is found to be a debt collector as defined in the FDCPA, which is specifically denied, any such violation(s) was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid such error.

**THIRD AFFIRMATIVE DEFENSE**

Assuming Plaintiff suffered any damages, Plaintiff has failed to mitigate her damages or take other reasonable steps to avoid or reduce her damages.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff fails in whole or in part to satisfy the requirements for a class action.

**FIFTH AFFIRMATIVE DEFENSE**

This action should not be maintained as a class action because individual questions predominate over common questions of law and fact, and a class action is not superior to other available methods for the fair and efficient adjudication of the matter.

**WHEREFORE**, MRS prays for an order and judgment of this Court in its favor against Plaintiff as follows:

1. Dismissing all causes of action against MRS with prejudice and on the merits; and,
2. Awarding MRS such other and further relief as the Court deems just and equitable.

Dated: February 14, 2018

By /s/ Michael T. Etmund  
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**CERTIFICATE OF SERVICE**

I hereby certify that on February 14, 2018, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure and/or the Eastern District's Local Rules, and/or the Eastern District's Rules on Electronic Service, upon the following parties and participants:

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/s/ Michael T. Etmund  
Michael T. Etmund